

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 12-15 and 20 have been amended, and claim 11 has been cancelled. The amendments have been drafted to overcome the indefiniteness rejections applied to claims 11 and 20. Support for the amendments is provided, for example, in the cancelled claims. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 11-20 were rejected, under 35 USC §102(b), as being anticipated by Chen (US 5,615,298). To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse as follows.

Claim 12 has been rewritten in independent form and defines an error concealing apparatus that detects a transient signal within a non-error frame and excludes information coming before the transient signal when generating a replacement audio frame using information within the non-error frame. The claimed subject matter provides an advantage of reducing the existence of noise artifacts in regenerated audio (see paragraph [0075], lines 10-18, of Applicants' published specification).

Chen does not disclose the Applicants' claimed subject matter of detecting a transient signal within a non-error frame and excluding information coming before the transient signal when generating a replacement audio frame using information within the non-error frame. And the Office Action identifies no findings of fact to the contrary.

By contrast to the Applicants' claimed subject matter, Chen discloses generating a replacement audio frame using five consecutive samples of audio information that are randomly selected between 5 and 40 samples before an error frame (see Chen col. 5, lines 53-57 and 64-66, and col. 6, lines 1-4 and 9-12). To generate the replacement audio, the magnitude of the selected samples of audio information are scaled to have the same average magnitude as all 40 samples of information coming before the error frame (see col. 5, lines 57-63, and col. 6, lines 4-8).

Thus, Chen discloses randomly selecting five consecutive samples from a non-error frame and scaling the magnitude of those selected samples to generate a replacement audio frame for an errant audio frame. Chen does not disclose the Applicants' claimed subject matter of selecting information from a non-error frame based on the position of a transient signal. As a result, it necessarily follows that Chen cannot disclose the Applicants' claimed subject matter of discarding information preceding a transient signal when generating a replacement audio frame.

Accordingly, the Applicants submit that, contrary to the allegation in the Office Action, Chen does not identically disclose the subject matter of claim 12 and, thus, does not anticipate claim 12. Independent claim 20 now similarly recites the above-mentioned subject matter distinguishing apparatus claim 12 from Chen's disclosure, but with respect to a method. Therefore, allowance of claims 12 and 20 and all claims dependent therefrom is deemed to be warranted.

Moreover, Chen does not disclose the subject matter of: (1) extrapolating information of signals within a plurality of frequency bands, as recited in claims 13 and 15; (2) computing the periodicity of signals within a plurality of frequency bands, as recited in claims 14 and 15; (3) creating a replica of information from a non-error frame and adjusting the position of the replica

with respect to the error frame so as to match a pitch period of the non-error frame, as recited in claim 16; (4) creating a duplicate of information from a non-error frame and adjusting which information is duplicated so that the pitch period of the duplicated information matches a pitch period of the non-error frame, as recited in claim 17; and (5) smoothing a frame boundary of a generated replacement frame, as recited in claim 18. And the Office Action identifies no findings of fact to the contrary that could support a conclusion that Chen's disclosure anticipates the subject matter of claims 13-18. Therefore, allowance of claims 13-18 is considered to be warranted for these independent reasons.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: June 15, 2010  
JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-06190  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559